



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Division (1145)
CEPOA-RD
Post Office Box 6898
Elmendorf AFB, Alaska 99506-0898

PUBLIC NOTICE DATE:	30 May 2007
EXPIRATION DATE:	29 June 2007
REFERENCE NUMBER:	POA-2007-320-2
WATERWAY:	Tongass Narrows

Interested parties are hereby notified that a Department of the Army permit application has been received for work in waters of the United States as described below and shown on the enclosed project drawings.

APPLICANT: Mr. Michael Mickelson, 16975 Roman Creek Road, Frenchtown, Montana 59834.

AGENT: Mr. Fred Monrean, P.O. Box 9343, Ketchikan, Alaska 99901, 907-247-5920.

LOCATION: The project site is located on the west side of Pennock Island, along the West Channel of Tongass Narrows, within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31, T. 75 S., R. 91 E., Copper River Meridian; Latitude 55.3235° N., Longitude 131.6498° W.; U. S. Survey 3829, Lot 6A-3, Block 1; near Ketchikan, Alaska.

PURPOSE: The applicant's stated purpose is to provide access to and to construct a new private summer vacation home, and to construct a sanitary wastewater system and outfall.

PROPOSED WORK: To place structures and perform work in below mean high water (MHW) of Tongass Narrows [14.4 feet relative to mean lower low water (MLLW), 0.0], and to discharge fill below high tide line (HTL, 19.4 feet relative to MLLW). The specific project elements are as follows:

1. Construct a 16-foot wide by 40-foot long wood float secured by two 16-inch diameter galvanized steel piles. The floating dock would extend 65 feet beyond MHW.
2. Construct a 5-foot wide by 70-foot long aluminum ramp extending landward of the floating dock to a fixed dock landward of MHW. The ramp would extend 60 feet beyond MHW.
3. Construct a 120-foot long breakwater, comprised of three logs or three HDPE foam filled pipes, with a 6-foot diameter steel bobber at each end, and chained to two 6,000-pound anchors (each 79-inches long by 30 inches wide by

30 inches high). The breakwater would be situated approximately 105 feet beyond MHW.

4. Excavate, side-cast, then backfill 2.3 cubic yards (cy) of native rock and concrete for a 12-inch wide by 6-inch deep trench and a 4-inch diameter wastewater outfall pipe. The outfall pipe would extend 60 feet beyond MHW.
5. Discharge 1.4 cy of the excavated native rock, and 2.1 cy of concrete into approximately 2,000 square feet (sf) below HTL for side-casting and backfilling the trench for the outfall pipe, and for pier bases or a 2-foot wide by 2-foot deep, by 6-foot long abutment to support one end of an 8-foot wide by 26-foot long dock that would be constructed landward of MHW.
6. Discharge approximately 100 cy of shot rock and 100 cy of overburden into approximately 0.06 acre of forested wetland for the construction of a 36-foot wide by 36-foot long house pad and for disposal of the excavated overburden.

ADDITIONAL INFORMATION: The agent states that the method for installation of the two 16-inch diameter steel piles would depend on the contractor. They may be installed using a pile driver, or sockets for the piles would be created using a rotary drill or explosives. The trench for the wastewater outfall pipe would be excavated using a jackhammer.

MITIGATION: The applicant has proposed no mitigation measures to reduce impacts to the aquatic environment.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification, as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence of recorded historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Commander at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

ENDANGERED SPECIES: Tongass Narrows is within the known or historic range of the threatened Steller sea lion (*Eumetopias jubatus*) (eastern stock) and the endangered humpback whale (*Megaptera novaeangliae*). The project location is not within any designated or proposed critical habitat for any listed threatened or endangered species.

The Corps has determined that the action, specifically pile driving and use of explosives, may affect Steller sea lions and humpback whales if the species were to occupy habitat in proximity to the project site when the work is being undertaken. In accordance with the Endangered Species Act of 1973 (87 Stat. 844), this

application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service (NMFS). Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. The project is located in an area described as EFH. We have determined that the described activity at the proposed location would not adversely affect EFH. Approximately 4,045 sf feet (0.09 acre) of rocky inter-tidal and near-shore sub-tidal habitat described as EFH for adult and juvenile salmon and groundfish. These habitats are used by EFH species such as sculpin, rockfish, shark, and pink, coho, and chinook salmon. Of this affected area, there would be a permanent loss of less than 45 sf of EFH due to fill for the abutment or pier bases, the two 16-inch diameter piles, and the two large anchors. Approximately 2,000 sf of EFH would be modified by the construction of the wastewater outfall. A further 2,000 sf would be indirectly affected due to shading by the dock and other structures.

No adverse affect to EFH is anticipated. This Public Notice initiates consultation requirements with the NMFS under the MSFCMA. Any conservation recommendations regarding EFH for federally managed fish will also be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between Federally recognized Tribes and the Federal government. Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Commander during the public comment period.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. The decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore

erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Commander determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Ms. Robin Leighty at (907) 753-2712, toll free from within Alaska at (800) 478-2712, or by e-mail at robin.l.leighty@poa02.usace.army.mil if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authorities:

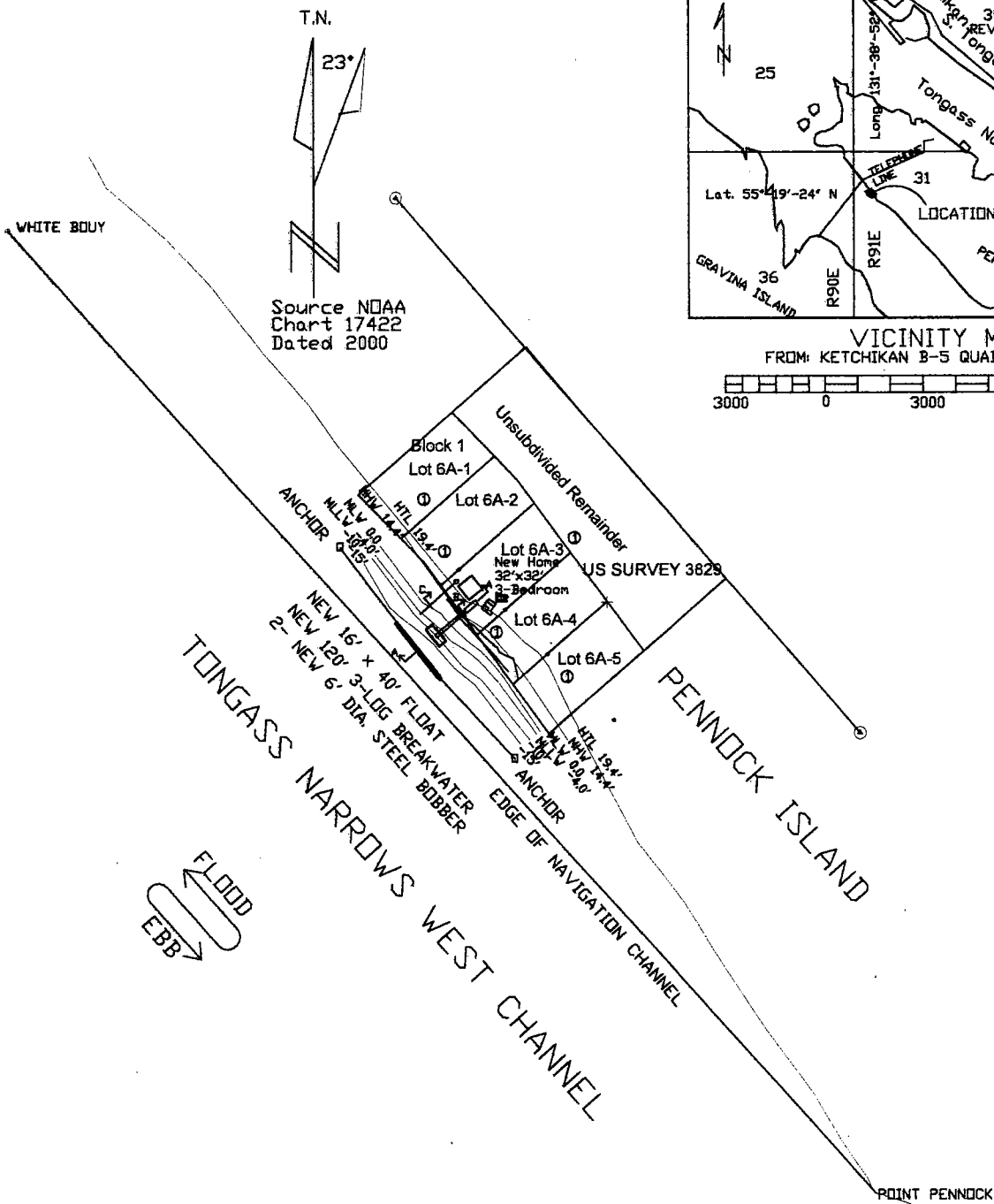
(X) Perform work in or affecting navigable waters of the United States - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

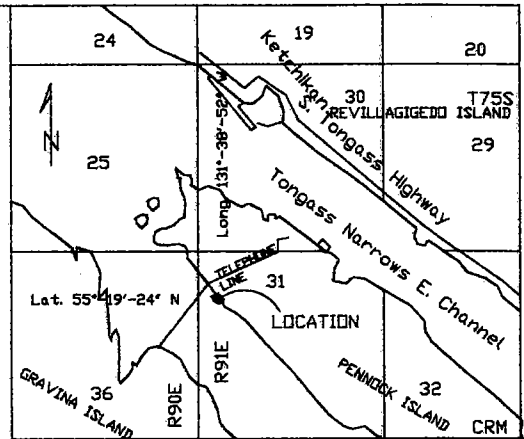
Project drawings, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosures



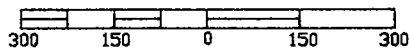
Source NOAA
Chart 17422
Dated 2000



VICINITY MAP
FROM: KETCHIKAN 8-5 QUADRANGLE
3000 0 3000 6000 FEET

FLOOD
EBB

PLAN VIEW



ADJACENT PROPERTY OWNERS:
1. GARY LAKE

PURPOSE:
PROVIDE EASIER ACCESS TO
A PRIVATE RESIDENTIAL HOME

DATUM: MLW = 0.0'

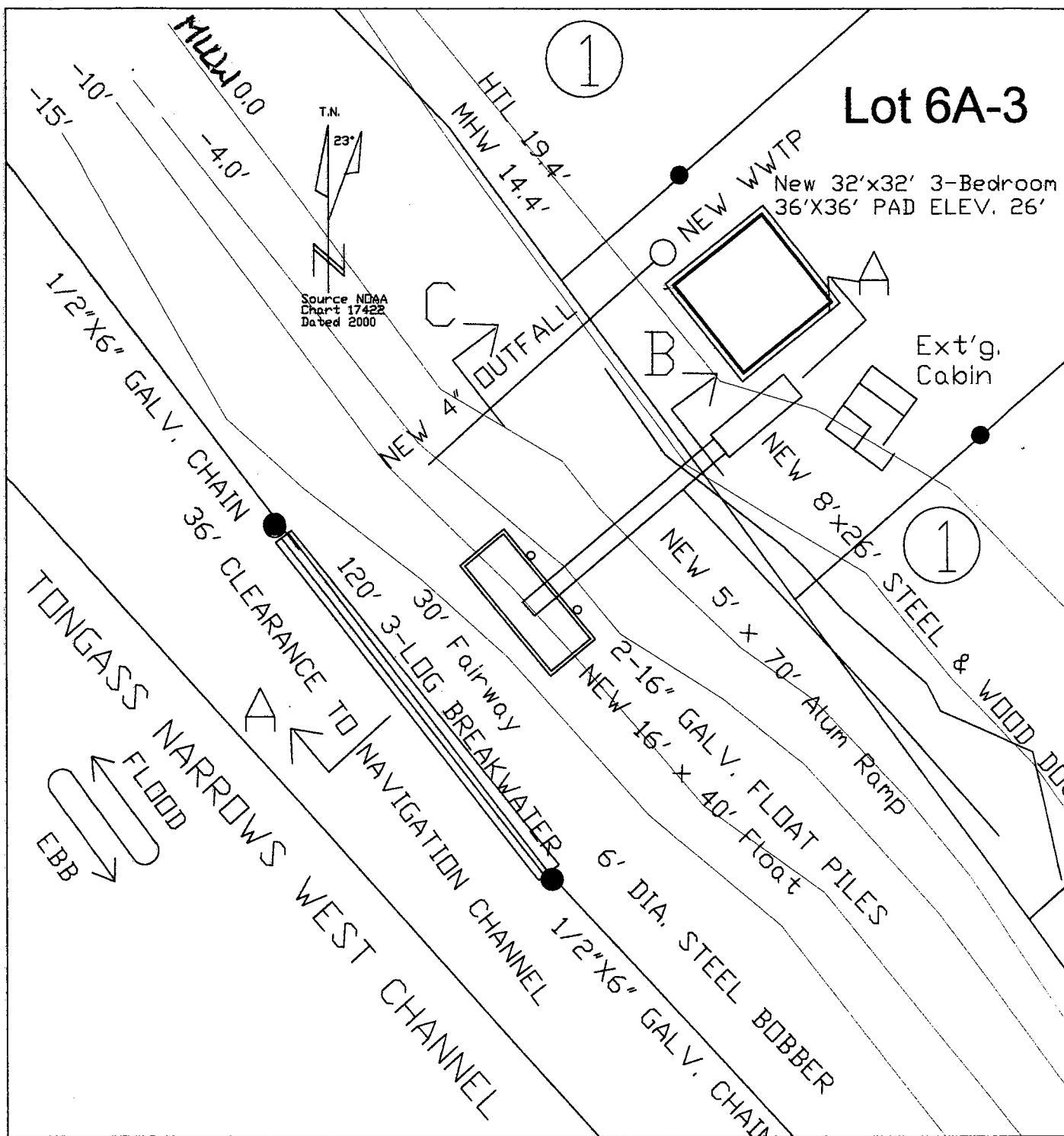
PROPOSED DOCK, RAMP & FLOAT
IN: TONGASS NARROWS
WEST CHANNEL

POA-2007-320-2, Tongass Narrows

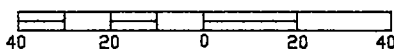
Mr. Michael Mickelson

May 16, 2007

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PLAN VIEW



ADJACENT PROPERTY OWNERS:
1. GARY LAKE

PURPOSE:
PROVIDE EASIER ACCESS TO
A PRIVATE RESIDENTIAL HOME

DATUM: **MLW** = 0.0'

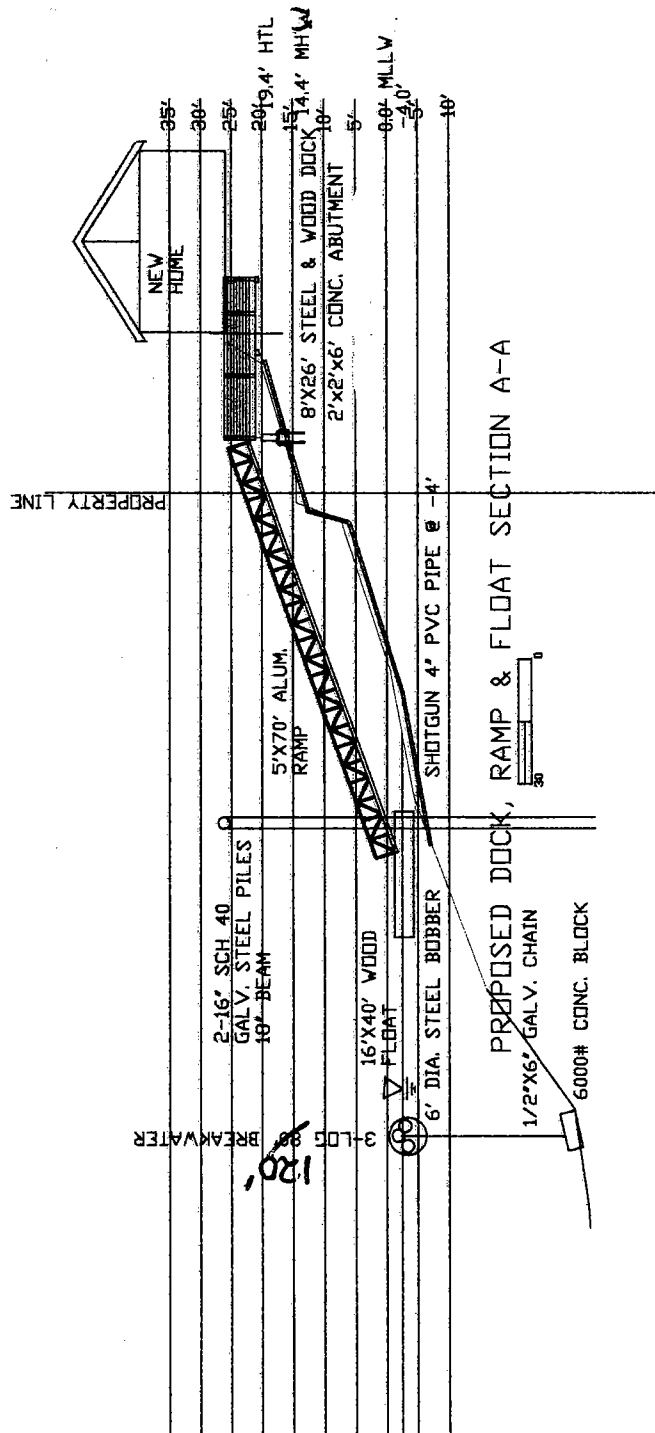
PROPOSED DOCK, RAMP & FLOAT
IN: TONGASS NARROWS
WEST CHANNEL

POA-2007-320-2, Tongass Narrows

Mr. Michael Mickelson

May 16, 2007

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SECTION VIEW

ADJACENT PROPERTY OWNERS:
1. GARY LAKE

PURPOSE:
PROVIDE EASIER ACCESS TO
A PRIVATE RESIDENTIAL HOME

DATUM: MLLW = 0.0'

PROPOSED DOCK, RAMP & FLOAT
IN: TONGASS NARROWS
WEST CHANNEL

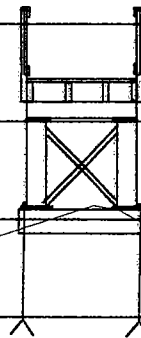
POA-2007-320-2, Tongass Narrows

Mr. Michael Mickelson

May 16, 2007

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2X6 & 4X6 RAIL W/ 2X2 PICKETS TO IBC
 2X12 PLANK DECKING
 4X12 JOISTS @ 2' OC SOLID BLOCKING
 12X12 WD CAP BOLT TO
 12X14X $\frac{1}{2}$ " PLATE
 DRILL AND PLACE ROCK BOLTS FOR
 20,000 PULL OUT STRENGTH
 12" GALV. PILES BOLTED TO ROCK BOLTS
 CONC. BASE TO LEVEL UP PILES
 2-12" PILES ON RAMP END
 3" PIPE BRACING



25'

20'

19.4' HTL

15'

14.4' MHW

10'

5'

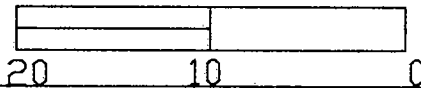
2' x 2' x 6' concrete abutment

0.0' MLLW

DOCK SEAWARD SUPPORT ELEVATION

-4.0'

5'

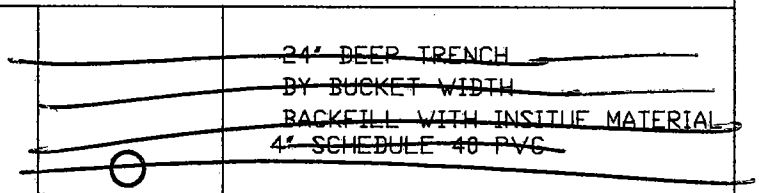


-10'



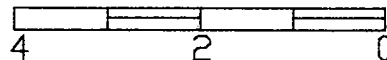
CHIP 12" TRENCH
 CONCRETE ENCASEMENT
 4" SCH. 40 PVC.

EXPOSED ROCK SECTION



~~GRAVEL TRENCH SECTION~~

SECTION C SEWER TRENCH DETAILS



SECTION VIEW

ADJACENT PROPERTY OWNERS:
 1. GARY LAKE

PROPOSED DOCK, RAMP & FLOAT
 IN: TONGASS NARROWS
 WEST CHANNEL

POA-2007-320-2, Tongass Narrows

Mr. Michael Mickelson

May 16, 2007

Sheet 4 of 4

PURPOSE:
 PROVIDE EASIER ACCESS TO
 A PRIVATE RESIDENTIAL HOME

DATUM: *MLLW* = 0.0'

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
401 Certification Program
Non-Point Source Water Pollution Control Program

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WQM/401 CERTIFICATION
410 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1795
PHONE: (907) 465-5321/FAX: (907) 465-5274

NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. POA-2007-320-2, Tongass Narrows, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project, with respect to Water Quality Certification, may submit written comments to the address above by the expiration date of the Corps of Engineer's Public Notice.

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMENT AND PERMITTING

OFFICE OF PROJECT MANAGEMENT AND PERMITTING
POST OFFICE BOX 111030, MS 1030
JUNEAU, ALASKA 99801-1030
PHONE: (907) 465-3562/FAX: (907) 465-3075

**NOTICE OF APPLICATION
FOR
CERTIFICATION OF CONSISTENCY WITH THE
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. POA-2007-320-2, Tongass Narrows, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Office of Project Management and Permitting (OPMP). For information about this consistency review, contact OPMP at the address or phone number above, or visit the ACMP web site at <http://www.alaskacoast.state.ak.us/Projects/projects.html>.